

REMARKS

The application has been reviewed in light of the Office Action dated January 29, 2003. Claims 1-5 remain pending in the Application.

In the Office Action, Claims 1 and 2 were rejected under 35 U.S.C. 102(e) as anticipated *Jonsson et al.* (U.S. 6,385,585), Claim 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Jonsson* in view of *Makela et al.* (U.S. 6,301,338), and Claims 4-5 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Jonsson* in view of *Svensson* (U.S. 6,301,338).

In rejecting independent Claim 1, the Examiner points in particular to col. 10, lines 32-35 of *Jonsson* as disclosing transmitting the written character message "in character format" via the established speech path, as is disclosed in independent Claim 1 of the present application. However, it is respectfully submitted that this cited portion of *Jonsson* fails to show this aspect of Claim 1. Col. 10, lines 32-35 of *Jonsson* merely state "[i]n yet another exemplary application of the invention, the channel can be used to transfer information, like short messages or alert messages, to the terminal on the voice band". Thus, *Jonsson* does not state that such a short message or alert message is transmitted "in character format". In addition, the prior description of Figs. 5A and 5B in cols. 9 and 10 of *Jonsson* makes clear that such a short message and/or alert message would first be transformed to a formant frequency before being transmitted over the voice band. (See, col. 9, lines 29-34, and 62-67) The subsequent

description of Fig. 6 (at col. 11, lines 4-16) also makes clear that symbols are first converted to formant frequencies before transmission over the voice band.

Accordingly, it is respectfully submitted that *Jonsson* fails to teach or suggest all of the recitations of independent Claim 1. Thus, for at least this reason, it is respectfully requested that the Examiner withdraws the rejection of Claim 1, and it is respectfully submitted that independent Claim 1 is in condition for allowance.

As indicated above, independent Claim 5 was rejected under 35 U.S.C. 103(a) based on the combination of *Jonsson* and *Svensson*. However, analogous to independent Claim 1, it is respectfully submitted that *Jonsson* does not show "receiving a character message in character format from the mobile communication terminal of the other party via the speech path", as recited in Claim 5. In addition, it is respectfully submitted that *Svensson* is also silent on this recitation of independent Claim 5.

Accordingly, without conceding that the combination of *Jonsson* and *Svensson* is proper, for at least this reason, it is respectfully submitted that the combination of *Jonsson* and *Svensson* fails to describe all of the recitations of Claim 5. Thus, it is respectfully submitted that *Jonsson* and *Svensson* fail to render Claim 5 obvious for at least this reason. Reconsideration and allowance of Claim 5 is also respectfully requested.

Without conceding the patentability per se of dependent Claims 2-4, it is submitted that Claims 2-4 are allowable at least by virtue of their dependencies on independent Claim 1. Reconsideration and allowance of Claims 2-4 is also respectfully requested.

In view of the foregoing remarks, it is respectfully submitted that all pending claims, namely Claims 1-5, are in condition for allowance. Early and favorable consideration and allowance of Claims 1-5 is respectfully requested. Should the Examiner believe that a telephone or personal interview may facilitate resolution of any remaining matters, he is respectfully requested to phone applicants' attorney at the number indicated below.

Respectfully submitted,

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